



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

February 3, 2009

9:00 AM Meeting Called to Order by Chairman Reid
Pledge of Allegiance led by Supervisor Hunt

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Chairman Reid reported on the following:

1. January 21: attended labor negotiations.
2. Met with TRG consultant; disappointed with the service being provided.
3. January 26: attended public defender interviews.
4. January 27-28: attended RCRC meeting. Will be vice chair on the regulatory committee. Many counties will be severely impacted if the Williamson Act funding is no longer available. OES has funds available for a dedicated disaster management coordinator. Apparently there is money available in the President's stimulus package for broad band in rural areas. Emission controls at landfills hinges on capacity; Public Works needs to be on top of this issue. Senator Cox received an award for service to rural counties.
5. Terry Nolan was taken to the hospital in Gardnerville yesterday. The Clerk is getting reports from Renn about his progress.
6. Suggested sending a card to John Wohlmuth (who recently had a stroke).
7. Received a positive letter from people served by the senior center in Walker; will submit it for the correspondence section of the agenda.
8. Will attend a meeting with Fish & Game on Thursday about private property available in the County for purchase; BLM wants County support. Reid asked if the County will get in-lieu taxes; Brian Muir said not from State Fish & Game.
9. BLM will hold a meeting on February 25th in Memorial hall to review Cougar Gold's operational plan.

Supervisor Hunt reported on the following:

1. January 21: met with TRG consulting; consultant may not fully understand County needs.
2. January 12: met with the Town's principal planner to talk about Sherwin trails plan draft.

3. January 23: attended the Eastern Sierra Transit Authority board meeting. Talked about the budget deficit and vehicles. Discussed bargaining groups and management in closed session.
4. Found out on Thursday that John Wohlmuth has had a stroke.
5. February 2: attended a special meeting of the First 5 Commission; discussed strategic planning in light of potential financial problems.

Supervisor Hazard reported on the following:

1. Met with TRG consultant individually and at the Crowley Lake public meeting.
2. Attended labor negotiations.
3. January 22: attended the Chalfant needs assessment meeting; two people attended. The TRG consultant was not there.
4. January 26: attended public defender interviews.
5. Participated in phone calls and meetings about the White Mountain water issue.
6. January 29: attended an Outlook training class.
7. Attended a meeting about Crowley Lake community planning.
8. January 30: spent time with the Mammoth High School auto shop teacher; the auto shop program is being eliminated.
9. February 1: attended IMAAA meetings with the governing board and advisory board. The state has cut funding; will provide one-time funding to help offset the loss. The advisory board suggested taking some of the one-time money for the nutritional program; the funding is not being split according to new MOU with IMAAA.
10. Access of GIS system at the public kiosk in the planning department is not working well. Staff is aware that the computer needs to be replaced; however, this has been a problem for quite a while and reflects badly on the County.

Supervisor Farnetti reported on the following:

1. January 22: attended a meeting with the Town planner to discuss the Sherwin Trails study.
2. January 23: met with Public Works and Town staff to discuss the solid waste program and potential fee increase to keep the operation viable. Current fee is \$44 per ton; proposed fee is \$50 per ton. A private individual would pay about .25 cents more per can.
3. January 24: took a trip to Portland.

Supervisor Bauer reported on the following:

1. Met with the TRG consultant.
2. Attended two ESTA meetings.
3. Attended the CPT meeting.
4. Attended a Sierra Leadership Institute reunion in Bishop.
5. Had a discussion with John Wentworth from Mammoth Lakes Trails and Public Access. He would like to propose a trail concept for Mono County. Bauer asked that a presentation by Wentworth be agendaized.
6. Attended the Mammoth Chamber lunch.
7. Will be on the NACO public steering committee.

COUNTY ADMINISTRATIVE OFFICE

1)

CAO Report regarding Board Assignments (David Wilbrecht)

RECOMMENDED ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht reported on the following:

1. Been working to catch up since was sick for several days.

2) APPROVAL OF MINUTES

M09-18 Minutes of regular meeting held on January 13, 2009.
Bauer/Hunt, 5-0

Closed Session: 9:07 a.m.
Break: 10:00 a.m.
Reconvened: 10:09 a.m.
Break: 11:10 a.m.
Reconvened: 11:19 a.m.
Closed Session: 12:30 p.m.
Adjourned: 2:05 p.m.

CLOSED SESSION

COUNTY COUNSEL

- 3a) Closed Session (Dave Wilbrecht, Marshall Rudolph, Rita Sherman, Mark Magit) - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Facts and circumstances: Americans With Disabilities Act potential claim.

HUMAN RESOURCES

- 4a) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret. Employee Organization(s): Mono County Deputy Sheriffs' Association.
- 4b) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret. Employee Organization(s): Mono County Public Safety Officers' Association.
- 4c) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Mark Mikulicich, & Robert Garret. Employee Organization(s): Mono County Paramedic Rescue Association.
- 4d) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Mark Magit, & Robert Garret. Employee Organization(s): International Union of Operating Engineers, Stationary Local 39, AFL-CIO (aka Mono County Public Employees).

The Board had nothing to report from closed session.

DEPARTMENT REPORTS/EMERGING ISSUES

Lynda Roberts reported on the following:

1. Update about number of documents recorded pertaining to foreclosure of properties. Compared 2007 and 2008:
 - Notices of Default: 2007—81; 2008—130
 - Notices of Trustee Sale: 2007—33; 2008—93
 - Notices of Rescission of Foreclosure Deed: 2007—39; 2008—28
 - Trustees Deed Upon Sale: 2007—6 (Mammoth Lakes, 6); 2008—47 (Mammoth Lakes, 37)

Brian Muir reported on the following:

1. Update about ERAF funding. State Controller directed County to distribute money according to the ERAF calculation, as long as the Office of Education has not exceeded its limit; this means the Town will receive the \$1.3 million as expected. Muir sent a registered letter to the State Controller to clarify their directions so there is not a reversal in the future. Some funds will be returned to the special districts. It is important to resolve this matter going forward since there may be more excess ERAF next year.

Jody Henning reported on the following:

1. Update about Assessor's Office: 1) Chief appraiser retired as of December 30, 2008; this position will be absorbed into another position. In the meantime, the work has been reassigned. 2) The majority of the backlog has to do with Mammoth Mountain—primarily new construction; five other backlog cases are being worked on. 3) Currently reviewing the Mammoth Mountain appraisal for accuracy; it will be on the tax roll prior to closure on July 1st. The bill for the consultant has come in higher than expected; will discuss this with him. Also his one-time, one-year California certificate has expired; will talk with the Board of Equalization about the situation. 4) Up to date on deeds being processed. 5) Activity pertaining to changes in ownership is down from previous years. 6) Implementation of the Megabyte software is moving forward; target date for go-live is still the end of February.

Mark Mikulicich reported on the following:

1. Update about discussion with Mammoth Hospital concerning ambulance service. The Hospital has been operating ambulance service for the Mountain for about 20 years. Mikulicich wants to discuss objectives with the Hospital, and will suggest they purchase a minor injury transport van rather than an ambulance since the Hospital's objective is to provide a courtesy van for free transport of people with minor injuries.

Louis Molina reported on the following:

1. Intends to send a letter opposing proposed legislation regarding septic systems. New regulations would be onerous since they include unfunded mandates and cost prohibitive requirements. Counties throughout the state are opposed. Chairman Reid: RCRC is encouraging counties to write letters opposing this legislation; would like Molina to send a copy of his letter to RCRC.

Jeff Walters reported on the following:

1. Provided update about staffing recruitments; three positions have been filled. Working to hire the best possible applicants.
2. Heavy trucks purchased for snow removal should arrive by February 11th.

Marshall Rudolph reported on the following:

1. Update about a Brown Act amendment effective January 1, 2009. Meetings are no longer defined as just leading to "collective concurrence", but include any communications between a majority of members. Members of the agency staff can communicate individually with each member of the board as long as staff does not share positions of the board members.

CONSENT AGENDA

(All matters on the consent agenda are to be approved on one motion unless a board member requests separate action on a specific item.)

CLERK OF THE BOARD

- 5a) Appointment to Antelope Valley Water District - The Antelope Valley Water District currently has two vacancies on their board. Les Chichester has submitted an application to be considered for appointment to the board.

M09-19 **Action:** Appoint Les Chichester to fill one vacancy on the board of the Antelope Valley Water District, through November 30, 2010.
Hazard/Hunt, 5-0

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 6a) Sierra Summer Festival - Sierra Summer Festival thanking the Board for the County's donation of \$10,000.

The Board acknowledged receipt of the correspondence. Supervisor Hunt: The Sierra Summer Festival relies on this contribution and they are truly appreciative.

MENTAL HEALTH

- 7a) Agreement and First Amendment to Agreement Between the County of Mono and Crestwood Behavioral Health, Inc. (**Ann Gimpel, Ph.D.**) - Consider and potentially approve County entry into proposed Agreement and First Amendment with Crestwood Behavioral Health, Inc. pertaining to mental health rehabilitation services, and authorize the Board Chair to execute said Agreement and First Amendment on behalf of the County. Receive staff report. Provide any desired direction to staff.

M09-20 **Action:** Approve County entry into proposed Agreement and First Amendment with Crestwood Behavioral Health, and authorize the Board Chair to sign said contract on behalf of the County.
Hunt/Farnetti, 5-0

Ann Gimpel: Crestwood provides long-term care services for people with disabilities and mental illnesses. The County has had a contract with them since 2005. This first amendment is extending the term through June 30, 2011, and infusing more funding into the contract for a total of \$300,000 from December 19, 2008, until the end of the agreement. Money will come from Mental Health Realignment. Future funding will decrease, but the worst impact may not affect Mono County until 2012-2013.

COMMUNITY DEVELOPMENT - BUILDING DIVISION

Additional Departments: Finance and County Counsel

- 8a) Fire Districts Permits Fees Waiver Request (**Rick McManis**) - Mono County currently provides funds to the Fire Protection Districts (including the Chalfant Community Service District) to aid in offsetting operational expenses of these volunteer organizations and their members. Occasionally proposed remodel work for operational facilities will be submitted for Building Permit issuance. The permitting fees that are assessed effectively collect back funds that have been originally allocated to assist these volunteer organizations that provide essential service to the residents of Mono County.

The Mono County Building Division would like to propose a fees waiver for the Fire Protection Districts (including the Chalfant Community Service District) serving Mono County. This waiver if approved by the Board of Supervisors would allow the issuance of routine/ordinary permits without the collection of required permits fees. If approved by the Board of Supervisors this action would address current applications in review as well as all future applications received.

Action: Discussion and direction by the Board of Supervisors on recommended action to proposed permits fees waiver for the Fire Protection Districts (including the Chalfant Community Service District).

Rick McManis: Last year fire chiefs asked if it was possible to have fees waived when expanding their facilities. The purpose of today's agenda item is for discussion and to obtain Board direction. Fee waivers would be for routine and ordinary permits, thus retaining the option to review requests on a case-by-case basis.

Board Discussion

- Supervisor Reid: Supported the waiver since fire departments are first responders and work out of their districts when needed. The County allocates money to first responders to use as needed, but then charges permit fees. The amount of the fees paid is inconsequential to the County's budget.
- Supervisor Farnetti: Agreed, but would like to approach waivers on a case-by-case basis.
- Supervisors Hunt and Bauer: Supported the waiver.
- Supervisor Hazard: Supported the waiver since most of the agencies are working on very small budgets, plus the County uses facilities for various reasons, such as public meetings. Funds allocated to the fire departments need to be used for improvements and not given back to the County in the form of fees.

Brian Muir: Suggested waiving fees on a case-by-case basis since it is not unusual for agencies to get grants that include the cost of fees. His office would account for the fees so the Board would know how much is being waived.

Marshall Rudolph: There must be a public purpose for waiving fees, which is declared by the Board; this action would need to be accomplished by a resolution.

Board: Directed staff to move forward and bring a resolution back to the Board as early as possible.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

Additional Departments: County Counsel, Environmental Health

- 9a) White Mountain Estates Water Update (**Stacey Simon, Scott Burns**) - Progress report on efforts to integrate the water system for Tentative Tract #37-46 (White Mountain Estates II) into the White Mountain Mutual Water Company's existing system. Potentially determine whether such integration is feasible as set forth in the Mono County General Plan. Provide any desired direction to staff.

M09-21 Action: 1) The Mono County Board of Supervisors finds that it is not feasible to connect the existing White Mountain Estates Mutual Water Company (WMMWC) with the proposed project at this time due to the following reasons: a) There is a long standing history of a difference of opinions on the existing cost sharing and infrastructure needs of the WMMWC system. There are also continued design differences between the parties that have not been resolved to the satisfaction of this Board. b) There is no financial management plan in place at this time. There currently exists no method to establish repair and maintenance costs for the existing WMMWC system or a plan to establish a reserve fund. Further, no plan has been shown to handle, track, or charge the proposed water system for their fair share of the cost to join and operate within the existing water company. c) The disagreement and disputed subject areas cannot be resolved in a timely manner to move the proposed project forward. d) This Board of Supervisors has heard and approved the construction of the pending project and believes it is of value to the County and this community, and this Board wants to see the project completed. 2) We direct staff to move forward with the project applicant to establish a water provider management plan to service this new development. 3) We direct staff to review and insure that the approved engineering, system rights-of-way, and other water system requirements be capable of being connected with the existing water company in the future. 4) The project applicant shall provide a written management plan to meet the requirements of policies 8a through 8d, as required, allowing this project to proceed in a timely manner.

Hazard/Farnetti, 5-0

Scott Burns: The White Mountain Estates specific plan allows for development of parcels, including water facilities; the General Plan directs new developments to use existing water facilities when feasible. The two parties have been negotiating; the Board last considered this issue in December and at that time asked for a progress report at a future Board meeting.

Stephen Kappos, representing the developer: In January, sent a letter to the water company's attorney, and had subsequent conversations to reiterate their compromises. The developer wants to meet directly with the water board, but they have declined. After years of negotiating, it appears that the board doesn't want to join together in one water system. Everyone recognizes it would be good to join the physical systems; however, the dispute seems to be about who will manage the joined system. The developer will build a system that meets or exceeds the existing system.

Marilyn Voorhees, president of the water company: Since the December Board of Supervisors'

meeting, the water company representative spoke with Scott Burns, and met with Stacey Simon and Supervisor Hazard, who recommended that the attorney's work together as mediators. Both attorneys were amenable to this idea and water board members agreed to a mediation arrangement. The developer did not agree.

Dan Totherow, water system operator: At the time the project was approved, the company accepted all planning department recommendations. He believes the company has and will comply with the specific plan.

Stacey Simon: Some of the criteria were advisory in order to anticipate hurdles to negotiations, such as rates and bylaws.

Supervisor Hazard: There has been an ongoing effort to get the parties together. All sides agree that a joint water system is best, but there is no agreement about how to implement it. Hazard had asked the parties to resolve their issues prior to Thanksgiving 2008. The matter came to the Board of Supervisors in December, at which time the Board asked the parties to resolve the situation by mid January 2009. They have failed, so it appears that, for multiple reasons, joining the water systems is not feasible.

Board Members agreed with Supervisor Hazard and deferred to his recommendation since the project is in his district.

Supervisor Hazard: Recommended moving forward and allowing two stand-alone systems; the new system needs to be compatible with the current system in case the parties decide to join systems in the future.

ADJOURN: 2:05 p.m.

Meeting was adjourned in memory of William Lester "Doc" Randol, Mammoth Lakes, who passed away on January 30, 2009, at the age of 89.

§§§§§